

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

**MDL NO. 3:16-md-2738-FLW-LHG**

**JUDGE FREDA L. WOLFSON  
MAG. JUDGE LOIS H. GOODMAN**

**THIS DOCUMENT RELATES TO:**

**Civil Action No. 3:18-cv-08463-FLW-LHG**

***LINDA HERRMANN v. JOHNSON  
& JOHNSON, et al.***

**UNOPPOSED MOTION FOR SUBSTITUTION OF PLAINTIFF UNDER RULE 25(a)(1)  
AND FOR LEAVE TO FILE AMENDMENT OF COMPLAINT TO ASSERT SURVIVAL  
AND WRONGFUL DEATH CLAIMS**

L. Gail Herrmann, as the Legal Representative of the Estate of Linda Herrmann, moves the Court for an Order substituting him in as the plaintiff in this action and granting him leave to file the Amended Complaint asserting claims for wrongful death and survival. L. Gail Herrmann should be duly substituted as plaintiff in this action under the provisions of Rule 25(a)(1) of the Federal Rules of Civil Procedure because:

1. Linda Herrmann, decedent, commenced this action on April 27, 2018, before her death. (Dkt. 1.)

2. Decedent Linda Herrmann died on April 24, 2020, due to injuries caused by the negligent acts and omissions as alleged in her original Complaint. (Dkt.1) Decedent is survived by her spouse, L. Gail Herrman and three children, Kortney Cooper, Jeremy Ford, and Aaron Myers. Notice of and Suggestion of her death was filed with this Court on August 26, 2020. (Dkt. 9).

3. Pursuant to Illinois law, the claims made by Linda Herrmann against Defendants herein survive her death. Illinois Compiled Statutes, 740 ILCS 180/2.0. Every such action shall

be brought by and in the names of the personal representatives of such deceased person, and, except as otherwise hereinafter provided, the amount recovered in every such action shall be for the exclusive benefit of the surviving spouse and next of kin of such deceased person.

4. A proposed First Amended Complaint alleging survival and wrongful death claims is attached hereto as **Exhibit A**.

5. Plaintiff's counsel has met and conferred with Defendants' counsel, who has indicated Defendants do not oppose the motion.

6. This motion is timely in that the deadline for the Wrongful Death Beneficiaries to file a motion for substitution of parties is not expired.

DATED: August 27, 2020

Respectfully Submitted,

By: Trent B. Miracle

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